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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation
Against:

JAMES P. BARRETT, P.T.
324 South Lanford Road
Spartanburg, South Carolina 29306

Physical Therapist License No. PT 158

Respondent.

Case No. 1D 2004-64030

OAH No. N2005050117

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
proceeding that the following matters are true:

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical
Therapy Board of California. He brought this action solely in his official capacity and is
represented in this matter by Bill Lockyer, Attorney General of the State of California, by
Daniel J. Turner, Deputy Attorney General.

2. JAMES P. BARRETT, P.T. (Respondent) is representing himself in this
proceeding and has chosen not to exercise his right to be represented by counsel.

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3. On or about September 19, 1969, the Physical Therapy Board of California issued Physical Therapist License No. PT 158 to James P. Barrett, P.T.. The License was in full force and effect at all times relevant to the charges brought in the First Amended Accusation No. 1D 2004-64030 and will expire on January 31, 2007, unless renewed.

JURISDICTION

4. First Amended Accusation No. 1D 2004-64030 was filed before the Physical Therapy Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on June 23, 2005. Respondent timely filed his Notice of Defense contesting the First Amended Accusation. A copy of First Amended Accusation No. 1D 2004-64030 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in First Amended Accusation No. 1D 2004-64030. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in First Amended Accusation No. 1D 2004-64030, agrees that cause exists for discipline and hereby surrenders his Physical Therapist License No. PT 158 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physical Therapist License without further process.

RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Physical Therapy Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

11. This stipulation shall be subject to approval by the Physical Therapy Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Physical Therapy Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing this stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that Physical Therapist License No. PT 158, issued to Respondent James P. Barrett, P.T. is surrendered and accepted by the Physical Therapy Board of California.

14. The surrender of Respondent's Physical Therapist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

15. Respondent shall lose all rights and privileges as a physical therapist in California as of the effective date of the Board's Decision and Order.

16. Respondent shall cause to be delivered to the Board both his License wall and pocket license certificate on or before the effective date of the Decision and Order.

17. Respondent fully understands and agrees that if he ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in First Amended Accusation No. 1D 2004-64030 shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the petition.

18. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in First Amended Accusation, No. 1D 2004-64030 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

19. Respondent is ordered to reimburse the Board the actual and reasonable prosecutorial costs incurred by the Board in the amount of \$1,000.00. Said costs will be paid 30 days from the effective date of this Decision. The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Board. if Respondent is in default

1 of his responsibility to reimburse the Board, the Board will collect cost recovery from the
2 Franchise Tax Board, the Internal Revenue Service, or by any other means of attachment of
3 earned wages legally available to the Board. Failure to fulfill this obligation could also result in
4 attachment to Department of Motor Vehicle registrations and/or license renewals.

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6 ACCEPTANCE

7 I have carefully read the Stipulated Surrender of License and Order. I understand
8 the stipulation and the effect it will have on my Physical Therapist License. I enter into this
9 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
10 be bound by the Decision and Order of the Physical Therapy Board of California.

11 DATED: June 23, 2005.

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13 Original Signed By:
14 JAMES P. BARRETT, P.T.
15 Respondent

16 ENDORSEMENT

17 The foregoing Stipulated Surrender of License and Order is hereby respectfully
18 submitted for consideration by the Physical Therapy Board of California of the Department of
19 Consumer Affairs.

20 DATED: June 30, 2005.

21 BILL LOCKYER, Attorney General
22 of the State of California

23
24 Original Signed By:
25 DANIEL J. TURNER
26 Deputy Attorney General

27 Attorneys for Complainant
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Exhibit A

First Amended Accusation No. 1D 2004-64030

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PHYSICAL THERAPY BOARD OF CALIFORNIA
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Against:

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Physical Therapist License No. PT 158

Respondent.

Case No. 1D 2004-64030

OAH No. N2005050117

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 6, 2005.

It is so ORDERED August 5, 2005.

Original Signed By: Donald A. Chu, PT, President
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS